THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.18889 of 1999

Between:

Smt.Ravva Lakshmi.

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PETITIONER

and

The District Collector and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioners that each of them has been allotted the dry land admeasuring Ac.3-00 in Sy.No.261 situated at Annaram Village, Zinnaram Mandal, Medak District vide proceedings No.B5/1191/79, dated 18-03-1981 by the then Tahsildar, Narsapur. The petitioners submitted a representation before the then Hon'ble Chief Minister, Government of Andhra Pradesh, Hyderabad, on 09-07-1997, with a request to direct the District Collector, Medak District, to issue "No Objection Certificate" for transfer of the said lands. The said representation has been forwarded to the District Collector, Medak at Sanga Reddy for taking necessary action. The District Collector in turn forwarded the said representation to the Mandal Revenue Officer, Zinnaram, for taking further action. But, so far, "No Objection Certificate" has not been issued.

On instructions, the learned Government Pleader for Revenue appearing for the respondents submits that there is a ban imposed by the Government in Memo No.56856/L.Ref-II/93, dated 12-02-1994, with regard to sale transactions in Sy.No.261 of Annaram Village, as the enquiry is pending before A.P.L.A.House Committee with regard to false declarations made by landlords namely one Sri Damodar Reddy and one Sri Shanthavarma Reddy under the provisions of A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, stating that they are the patta lands.

It is further stated that the Revenue Divisional Officer submitted a report to the District Collector, Medak, after obtaining information from the learned Advocate General vide Letter No.856/98, dated 24-05-1998, stating that no sale transactions are allowed in Sy.No.261 of Annaram Village, Zinnaram Mandal, even though part of Sy.No.261 is having Government land.

Learned counsel appearing for the petitioners submits that the land assigned in favour of the petitioners is a Government land and the said assignment has not been questioned by anyone. Therefore, there cannot be any dispute with regard to assignment made in favour of each of the assignees vide aforesaid proceedings, dated 18-03-1981, by the then

Tahsildar, Narsapur. Insofar as the lands assigned in favour of ex-service men are concerned, the lands can be alienated after ten years from the date of assignment, as per the orders of the Government in G.O.Ms.No.7771, dated 11-11-1993. As the assignments were made in the year 1981 and the said orders of the Government are still in force, there cannot be any objection for the respondents for alienation of the said lands.

In support of his contention, he relied on a Judgment of this Court in ***POTHALA SAIDAMMA, VISAKHAPATNAM Vs. THE GOVERNMENT OF A.P.,***[1] wherein this Court held that the assignment made in favour of Freedom Fighters and Ex-Servicemen is different from that of the assignment made in favour of landless poor. Further, the Government itself issued G.O.Ms.No.1117, dated 11-11-1993, permitting the assignees of such land to alienate the same after expiry of ten years from the date of assignment.

A perusal of G.O.Ms.No.1117, dated 11-11-1993 goes to show that the Government directed that ex-servicemen are free to sell away their lands after expiry of ten years from the date of assignment. Therefore, I am of the opinion that the petitioners are entitled to transfer their lands.

Having regard to the facts and circumstances of the case, the writ petition is disposed of holding that as per the orders of the Government in G.O.Ms.No.1117, dated 11-11-1993, the petitioners are entitled to transfer their lands. There shall be no order as to costs.

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07-11-2007

Prv

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[1] 2007 (3) L.S. 76